IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE THIRTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1379 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 23/07/2004 in WVMP No.4153 of 2003 and WPMP No.29403 of 2003 in WP NO : 23417 OF 2003 on the file of the High Court.)

Between:

P.Ajay Kumar, s/o Maruthi Rao,
r/o H.No.6-12-84, Namdevwada, Nizamabad.

..... APPELLANT

AND

1 Joint Collector, Nizamabad District, Nizamabad.
2 Mandal Revenue Officer, Nizamabad Mandal, Nizamabad.
3 Sri P.Madhav Rao, s/o Jetting Rao,
r/o H.No.6-12-105, Namdevwada, Nizamabad.

.....RESPONDENTS

Counsel for the Appellant:MR.P.VENUGOPAL

Counsel for the Respondent Nos.1 and 2: GP FOR REVENUE

Counsel for the Respondent No.3: Mr.J.Kanakaiah

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

Appellant had questioned the legality and validity of the order of Joint Collector, Nizambad dated 29th October, 2003 in writ petition. While admitting the writ petition, operation of the order impugned in the writ petition was stayed which had set aside the mutation in favour of P.Madhav Rao and subsequently made in favour of the appellant herein. Vacate application was filed by respondent which was decided by the order impugned in this appeal not on merits but since the appellant's counsel was not available. The interim order dated 6-11-2003 was vacated.

We have heard the counsel for the parties.

Once writ petition was admitted, we see no reason why there would be any occasion to vacate the interim order which had suspended the order of the Joint Collector, Nizambad. At the most, an order could have been made directing the parties to maintain status quo as regards title to the property. Neither in the writ petition nor in this appeal, we are concerned with the question of possession, which is not subject matter of the proceedings. Accordingly, we allow the appeal and direct interim order passed on 6-11-2003 to continue till the decision in the writ petition with further direction that parties should maintain status quo as regards title to the property.

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DEVINDER GUPTA, CJ

13-9-2004

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C.V.RAMULU, J

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To

1 Joint Collector, Nizamabad District, Nizamabad.
2 Mandal Revenue Officer, Nizamabad Mandal, Nizamabad.
3 2 CCs to the Government Pleader for Revenue, High Court Buildings,

Hyderabad (OUT).

4 2 CD copies.